

STATE OF MICHIGAN
COURT OF APPEALS

FAWZI CHARARA,

Plaintiff-Appellant,

v

GENERAL MOTORS CORPORATION,

Defendant-Appellee.

UNPUBLISHED

June 26, 1998

No. 198540

LC No. 89000827

Before: Jansen, P.J., and Kelly and Markey, JJ.

MEMORANDUM.

Plaintiff appeals by leave granted the September 12, 1996 order of the Worker's Compensation Appellate Commission (WCAC). After remand from this Court, the WCAC once again reversed the magistrate's award of benefits because the WCAC concluded that the magistrate applied the wrong legal standard. In light of a recent decision by our Supreme Court, we once again reverse and remand.

In *Haske v Transport Leasing, Inc, Indiana*, 455 Mich 628; 566 NW2d 896 (1997), our Supreme Court reconsidered its peremptory order in *Rea v Regency Olds*, 450 Mich 1201; 536 NW2d 542 (1995), and held that this Court properly interpreted the statutory definition of disability in that case. *Haske, supra* at 652-653. In addition, the Court clarified the holdings in *Sobotka v Chrysler Corp (After Remand)*, 447 Mich 1, 17; 523 NW2d 454 (1994), and held that a partially disabled employee is entitled to full benefits if the employee proves that he suffered a work-related injury, a subsequent loss in actual wages, and that the wage loss is causally related to the injury. *Haske, supra* at 662. The Court specifically rejected the notion that a partially disabled employee should receive reduced benefits on the basis of any residual wage-earning capacity that does not result in the actual earning of wages. *Id.* at 660.

Because the WCAC was laboring under a misapprehension regarding the legal definition of disability when it reversed the magistrate, we reverse and remand for reconsideration of the magistrate's decision in light of *Haske*.

Reversed and remanded. We do not retain jurisdiction.

/s/ Kathleen Jansen

/s/ Michael J. Kelly

/s/ Jane E. Markey